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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/238,950	01/27/1999	WAYNE J. BRED A	189334	5656

22908 7590 10/09/2003

BANNER & WITCOFF, LTD.
TEN SOUTH WACKER DRIVE
SUITE 3000
CHICAGO, IL 60606

EXAMINER

WOOD, KIMBERLY T

ART UNIT	PAPER NUMBER
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3632

DATE MAILED: 10/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/238,950

Applicant(s)

BREDA ET AL.

Examiner

Kimberly T. Wood

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 5-22 is/are pending in the application.
- 4a) Of the above claim(s) 7-13 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,5,6 and 14-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

This is the fifth office action for serial number 09/238,950, entitled Intravenous Equipment Hanger, in response to RCE filed on September 8, 2003.

Election/Restrictions

Claims 7-13 withdrawn from further consideration due to Applicant's timely traversing of the restriction (election) requirement in Paper No.6.

Allowable Subject Matter

The indicated allowability of claim 19 is withdrawn in view of the newly discovered reference(s) to Burnett. Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 14 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 14 is rejected under 35 U.S.C. 112, second paragraph for being dependent on canceled claim 3.

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 5, 6, 14, and 22 are rejected under 35

U.S.C. 102(b) as being anticipated by Johnson 5,687,942.

Johnson discloses a mounting member (32), a means for attaching said mounting member (70), a hanger (26) having an elongate pole (20) and retainer to selectively fix the pole having multiple telescopically engaged sections (see figure 1, screw means), at least one offset support (36 which is offset a small distance away from the supporting surface opposite the first direction via element 34).

Claims 1, 5, 6, 14, 15, 18, and 22 are rejected under 35

U.S.C. 102(b) as being anticipated by Burnett 5,588,166.

Burnett (figures 3-5) discloses a mounting member (81), a means for attaching said mounting member (86), a hanger (50) having an elongate pole (20) and retainer to selectively fix the pole having multiple telescopically engaged sections (see figure 2), two offset support (90), flange leg (91).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Burnett (figures 5) in view of Burnett 5,588,166 in view of Slinkard D269,156. Burnett discloses all of the limitations of the claimed invention except for the flange legs having openings for the passage of fasteners for affixing the legs. Slinkard teaches that it is known to have a offset support having a flange leg having a hole for the passage of fasteners for affixing a leg (see figure 3 where the C-shaped clip is attached by a flange using a screw which is received within a hole for fastening to the circular attachment). It would have been obvious to one having ordinary skill in the art to have modified Burnett to have included the hole to each of the flange legs for the purpose of providing removable attachment to allow the supports to be removed for replacement due to damage.

Claims 16, 17, 18, 19, 20, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burnett in view of Hastings 3,54,903). Burnett discloses all of the limitations of the claimed invention except of the flange leg being L-shaped and received in a pocket. Hastings teaches that it is known to have a plurality of offset supports attached to a mounting member using pockets (a and a2) via a L-shaped bracket (b and b1). It would have been obvious to one having ordinary skill in the art to have modified the offset supports of Burnett to have the L-shaped bracket and the mounting member to have the corresponding pockets as taught by Hastings for the purpose of attachment to allow the supports to be removed for replacement due to damage.

Claims 15-18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson 5,687,942 in view of Hastings 3,54,903).. Johnson discloses all of the limitations of the claimed invention except for the plurality of offset support, a L-shaped bracket, and pockets. Hastings teaches that it is known to have a plurality of offset supports attached to a mounting member using pockets (a and a2) via a L-shaped bracket (b and b1). It would have been obvious to one having ordinary skill in the art to have modified Johnson to have substituted the L-shaped bracket and the mounting member having

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corresponding pockets as taught by Hastings for providing a better means of attaching to the mounting member and allowing pivotable movement of the hanger relative to the mounting surface.

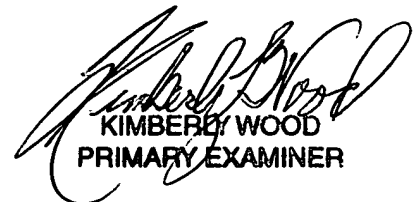
Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The prior art discloses conventional means of hangers in combination with vertical partitions.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly Wood whose telephone number is (703) 308-0539. The examiner can normally be reached on Monday-Thursday from 7:30 AM to 5:00 PM. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-2168. The fax number for an Official Amendment or Response is (703) 872-9306. The fax number for an Unofficial Amendment or Response is (703) 308-3519.

Kimberly Wood
Primary Examiner
September 30, 2003



KIMBERLY WOOD
PRIMARY EXAMINER